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TRANSCRIPT OF PROCEEDINGS

OCT 27 1994

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

IN THE MATTER OF:

SCRIPPS HOWARD BROADCASTING COMPANY
For Renewal of License of Station
WMAR-TV, Baltimore, Maryland
and
FOUR JACKS BROADCASTING, INC.
For a Construction Permit for a New
Television Facility on Channel 2 at
Baltimore, Maryland

MM DOCKET NO. 93-94

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For a Construction Permit for a New)
Television Facility on Channel 2 at)
Baltimore, Maryland)
-----)

The above-entitled matter came on for hearing
pursuant to notice before Judge Richard L. Sippel,
Administrative Law Judge, at 2000 L Street, N.W., Washington,
D.C. on Wednesday, September 14, 1994 at 10:01 a.m.

APPEARANCES:

On behalf of Scripps Howard Broadcasting Co.:

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7 On behalf of Mass Media Bureau:

8 ROBERT A. ZAUNER, ESQUIRE
9 Federal Communications Commission
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Washington, D.C. 20554

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I N D E X

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2					
3	<u>Examination of:</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
4	Dr. Frederick G. Smith				
5	by Mr. Greenebaum		2127		
6	by Mr. Zauner		2220		
7	<u>Four Jacks</u>	<u>Marked</u>	<u>Received</u>	<u>Rejected</u>	<u>Withdrawn</u>
8	Exhibit No. 28		2127		
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25	Hearing Began: 10:01 a.m.		Hearing Ended: 12:31 a.m.		

1 P R O C E E D I N G S

2 JUDGE SIPPEL: We're on the record. I just have a
3 few preliminary matters I'd like to address. Perhaps to be
4 taken in the nature of some, some good news and some bad news
5 depending on how you view it.

6 First of all, I, I have worked with the reporter
7 yesterday afternoon and this morning with respect to the
8 marking of the tabs on Exhibit 40. And the practical, the
9 practicalities of the procedures that I outlined yesterday
10 came home to me very evidently that what we're going to need
11 to do, what I'm going to need to do is consider the evidence
12 as it's marked and, and moved and received into evidence
13 yesterday. In other words, there will be no return of the
14 volumes to Scripps Howard for revisions and whatnot.

15 The instructions are clear in terms of what I'm
16 going to consider and what I'm not going to consider. The
17 reporter has to, to be more specific in terms of the, my
18 mechanical concerns. The contract requires the reporter to
19 mark two sets of all of these exhibits. And then if she turns
20 one over, one back to Scripps Howard or even to, to make the
21 revisions, then what do we do with the second one? And if she
22 gives two back, it starts to get more complicated. And the
23 efficiencies shift the, the other way.

24 So I've just simply reconsidered that. And as I
25 say, I'm convinced that nobody is going to be prejudiced by

1 | this. After yesterday's session, we're all quite familiar
2 | with what we, what's been testified to, what's been considered
3 | with respect to those two volumes. So nobody is going to be
4 | surprised or disadvantaged.

5 | Secondly, I know we spent some time yesterday on the
6 | evidence with respect to the promissory notes. And I've
7 | got -- I'm not going to say that I'm going to reconsider
8 | anything that I ruled on. But I am going to qualify. I
9 | permitted to remain -- I remember Ms. Schmeltzer brought this
10 | to my attention. After I had ruled that I wasn't going to
11 | consider the promissory notes and a few checks surrounding
12 | them, Exhibits 19 through 24 specifically, Ms. Schmeltzer
13 | pointed out well, then there's no need to have No. 41 in,
14 | Exhibit 41, which has to do with the indenture, etc. And I
15 | said well, no, it's already in evidence, so we're not going to
16 | spend any time on that.

17 | Going back over my, my notes yesterday and focusing
18 | more specifically on 41, I find that there, there is a
19 | definite reference, I think it's a sub-part, VII, page 3 or 4,
20 | whatever, that gets into this subject. And I had some, some
21 | of my own notes on the side indicating what Mr. David Smith
22 | was testifying to.

23 | My ruling is amended to this, to this extent.
24 | What's in the record is in the record as evidence. Forty-one
25 | is in the, in the record as evidence. Mr. David Smith's

1 testimony with respect to subject of the loans is in the
2 record. The only thing I'm excluding is Exhibits 19 through
3 24. And again, that's based on my discretion under 403 of the
4 Federal Rules of Evidence. I just don't think that it's
5 necessary to, to take the time to delineate all of the
6 evidence surrounding those particular exhibits. But I think
7 in, at least in substance, Mr. Greenebaum, your brick has been
8 returned to you.

9 MR. GREENEBAUM: Thank you, Your Honor.

10 JUDGE SIPPEL: For, for those purposes. Ms.
11 Schmeltzer, yes.

12 MS. SCHMELTZER: Yeah, if I may just make one
13 comment on that.

14 JUDGE SIPPEL: Yes, ma'am.

15 MS. SCHMELTZER: The reason that I requested you to
16 reconsider your ruling was based on the point that Mr. Zauner
17 raised which was that this indenture was done after the loans
18 in question. The loans in question originated in the early
19 1990s. This indenture was '94 I believe.

20 MR. ZAUNER: Dated as of December 9th, 1993.

21 MS. SCHMELTZER: I'm sorry. December 9th, 1993,
22 filed January 6, 1994. And so this indenture could not have
23 related to those particular notes.

24 JUDGE SIPPEL: I, I understand that. I understand
25 that. And that's part and parcel of why I don't want to get

1 into Exhibits 19 through 24. I don't want to have to spend
2 the time arguing whether or not it's, it's some or all or none
3 of that evidence can be considered in connection with 41. I
4 think it's clean right now. Forty-one is in. The witness
5 testified to a degree with respect to what the, what the non-
6 practice, non-policy was with respect to loans to employees.
7 And as I say, I think there's something there. How much there
8 is is still to be determined. But whatever it is, I'm going
9 to let it in, and certainly there can be findings asked with
10 respect to that evidence if you're convinced yourself that
11 there's substantive evidence there that, that merits a
12 finding.

13 MR. GREENEBAUM: Thank you, Your Honor.

14 JUDGE SIPPEL: You bet. All right. We now have our
15 last witness today.

16 MS. SCHMELTZER: Yes. Four Jacks calls Frederick G.
17 Smith to the witness stand.

18 JUDGE SIPPEL: Would you come forward, please, Mr.
19 Smith?

20 Whereupon,

21 DR. FREDERICK G. SMITH
22 was called as a witness, and after having been first duly
23 sworn testified through as follows:

24 JUDGE SIPPEL: Please be seated. Ms. Schmeltzer.

25 MS. SCHMELTZER: Yes. We have previously marked for

1 identification as Four Jacks Exhibit 28 a five-page
2 declaration that's been signed by Frederick G. Smith. And I
3 would ask that that be received into evidence.

4 JUDGE SIPPEL: Are the -- will the objections be the
5 same as with respect to yesterday's objections?

6 MR. GREENEBAUM: Yes, Your Honor. And as long as
7 that's understood, we don't need to articulate them again for
8 the purpose of the --

9 JUDGE SIPPEL: Okay. I, I appreciate your
10 facilitating that way. My rulings would be the same with
11 respect to this witness's testimony. And so subject to those
12 objections and my rulings, Exhibit 28, the written testimony
13 of Mr. Frederick G. Smith, is now received in evidence as Four
14 Jacks Exhibit 28. Ms. Schmeltzer.

15 (Whereupon, the document referred to as
16 Four Jacks Exhibit No. 28 was received
17 into evidence.)

18 MS. SCHMELTZER: Thank you, Your Honor. Mr. Smith
19 is available for cross-examination.

20 JUDGE SIPPEL: Thank you. Mr. Greenebaum.

21 MR. GREENEBAUM: Has Your Honor sworn the witness?

22 JUDGE SIPPEL: Yes, I did.

23 MR. GREENEBAUM: I'm sorry.

24 CROSS-EXAMINATION

25 BY MR. GREENEBAUM:

1 Q Would you state your full name please, sir, for the
2 record?

3 A Frederick Smith.

4 Q And are you still practicing dentistry from time to
5 time?

6 A Yes.

7 Q Dr. Smith, where are you employed at the present
8 time?

9 A Employed -- went over this for my deposition with
10 you.

11 Q Yes, sir.

12 A Think I'm employed as an independent contractor.
13 And you pointed out I'm employed as a sole proprietor. My
14 private practice and that's the only area that I'm employed in
15 a conventional sense.

16 Q You don't have any contract as an independent
17 contractor with anyone, do you?

18 A I have a verbal contract.

19 Q No written contract.

20 A Nothing worded.

21 Q What do you mean by sole proprietor?

22 A Well, it's a term you used.

23 Q Well, that's why I want to ask you. I don't want
24 you --

25 A I don't know what it means. I, I consider myself an

1 independent contractor. You're the one that said I'm a sole
2 proprietor.

3 Q Well, which are you?

4 A I think I'm an independent contractor.

5 Q Do you have any written contract with any entity?

6 A The verbal contract.

7 Q Where do you work as independent contractor?

8 A I work for Office of Michael Schwartz (phonetic
9 sp.), DDS, PA.

10 Q And my recollection is you go there from time to
11 time and you use a room.

12 A Yes, sir.

13 Q And --

14 A I use three rooms.

15 Q And patients show up for your -- is that -- you have
16 to speak up so the --

17 A Yes.

18 Q And you don't know how they get there, who schedules
19 them or who makes the arrangements.

20 MR. ZAUNER: I'm going to object, Your Honor. What
21 is the relevance of his dental practice? And how patients are
22 scheduled and what time he shows up and how many rooms are in
23 the office? Is this relevant?

24 JUDGE SIPPEL: I'm going to overrule the objection.
25 It's his background. It's his -- Mr. Greenebaum will bring it

1 up to focus I'm sure. You may, you may continue, Mr.
2 Greenebaum.

3 WITNESS: There are patients scheduled, that's
4 correct.

5 BY MR. GREENEBAUM:

6 Q You don't know who schedules them or how.

7 A No.

8 Q When you show up --

9 A It's a whole staff that schedules them.

10 Q You don't know who's going to be there or --

11 A No.

12 Q -- whether you're going to have a patient or not.

13 A Generally speaking that's the case.

14 Q What, what is your -- what are your hours and days
15 at your dental practice at the present time?

16 A 7:15 to 8:15, 8:30-ish, Monday, Wednesday, Thursday.
17 Then Friday it's 7:15, 7:30-ish to 11, 11:30 usually.

18 Q Okay. I want to move on from this area, but I want
19 to ask you one last question.

20 A Sure.

21 Q Were you ever employed in your dental practice as an
22 employee of a corporation of any kind?

23 A Yes.

24 Q And that was a wholly-owned corporation?

25 A It was a professional corporation.

1 Q And you considered yourself an employee of that
2 corporation, did you not?

3 A Yes.

4 Q And you had no bosses.

5 A Well, I had office manager, and I had associates
6 that were essentially co-equals. They were my bosses I guess.

7 Q The name of the practice was Frederick G. Smith, MS,
8 DDS, PA, a Professional Corporation.

9 A Right.

10 Q And you were the sole officer, director and
11 stockholder, were you not, sir?

12 A No, I think my wife is, was a officer.

13 Q Would you look at tab 17 on Exhibit 40 which is in
14 front of you.

15 A I think she was the secretary. Tab 17?

16 JUDGE SIPPEL: That's the big set in front of you.

17 WITNESS: Tab 17?

18 JUDGE SIPPEL: It may be in the second volume.
19 There's two volumes.

20 WITNESS: Okay. This doesn't have a tab 17.

21 MR. GREENEBAUM: I'll get off of this as soon as I
22 can, Your Honor --

23 WITNESS: Tab 17 is -- okay, I'm on tab 17.

24 BY MR. GREENEBAUM:

25 Q That's from an SEC filing --

1 A Correct.

2 Q -- dated December 6th, 1993. Look at page 57 at the
3 bottom of the page. Call your attention to the first
4 paragraph at the top of the page.

5 A Right.

6 Q See where it says Frederick G. Smith?

7 A Right.

8 Q Would you read that paragraph to yourself?

9 A Served as vice president of the company since 1990,
10 as a director since 1986. From prior to September 1988 until
11 joining the company full time as a director, Smith was a
12 surgical dentist engaged in prior practice employed by
13 Frederick G. Smith, MS -- a professional corporation of which
14 Dr. Smith was the sole officer, director and stockholder.

15 Q Does that refresh your recollection as to who owned
16 stock?

17 A Yeah, I, I thought I just stated that.

18 Q Well, it says you're the whole officer, director and
19 stockholder, does it not?

20 A Yeah, but I think my, I think -- I'm not sure that's
21 accurate. I think my wife was, was secretary or something.
22 Now whether she was a director or not, I don't know. But I
23 think she was secretary of the corporation.

24 Q But you did consider yourself the employee of a
25 company in which you were the sole stockholder.

1 A Well, employee in the sense that I took out monies,
2 yeah. And nobody I had to answer to.

3 Q Same situation that you say you have with Sinclair
4 at the present time, isn't that correct?

5 A Nah, you could make parallels, yes.

6 Q Now sir, are you employed at the present time by
7 anybody other than in connection with your dental practice?

8 A Not -- once again, we discussed this in my
9 deposition with you last time. And I tried to point out to
10 you that in Sinclair Broadcast Group, we went through a whole
11 litany of 3 or 4 hours of information, showing me a W-2 and
12 health insurance, etc. And I pointed out to you that I'm not,
13 I don't consider myself an employee in a conventional sense.

14 Q Do you have a job?

15 A Define what you mean -- a job where I'd have to go
16 and do something specific on a day-to-day basis?

17 Q Which of those words are you having trouble with,
18 Mr. Smith?

19 A I'm having trouble determining what you mean in
20 defining a job.

21 Q Well, let me call your attention to your deposition
22 of July 19, 1994, page 5.

23 A What page is that on please?

24 MR. LANE: We're going to give you a copy of that.

25 WITNESS: What, what is the date, Mr. Greenebaum,

1 please?

2 MR. GREENEBAUM: July 19, 1994, page 5. I'll start
3 with line 15. I'll read earlier lines if counsel wishes me to
4 do so.

5 JUDGE SIPPEL: All right, wait until everybody gets
6 their copies. Let's go off the record a minute.

7 UNIDENTIFIED SPEAKER: Okay, here, we're fine.

8 JUDGE SIPPEL: Hold just a second -- get everybody
9 up to speed. What page are you on?

10 MR. GREENEBAUM: Page 5, Your Honor. Your focus
11 is --

12 JUDGE SIPPEL: Let's go back on the record.

13 MS. SCHMELTZER: Yeah, I would like you to read
14 beginning with line 9 because of the context of the entity
15 that you were questioning about.

16 JUDGE SIPPEL: Are we on the record?

17 COURT REPORTER: Yes.

18 JUDGE SIPPEL: That's good. Okay.

19 MR. GREENEBAUM: Question, "Where are you employed
20 at the present time?"

21 Answer, "Well, I'm an independent contractor. My
22 dental practice -- I'm not employed by anybody so to speak.
23 I'm an independent contractor. Could you define what you mean
24 by employment?"

25 Question, "I don't believe I have to define that.

1 You know what employment means. Do you have a job?" "

2 Yeah, I have a job."

3 "Do you get paid?"

4 "I get paid."

5 "And do you go to work at a specific place and time?

6 Do you have a title?"

7 "I have a lot of titles."

8 "Do you have duties?"

9 "Let me think about that. No specific duties are

10 required of me."

11 "Do you receive a paycheck?"

12 Answer, "Yes." You see those?

13 WITNESS: Yeah.

14 MR. GREENEBAUM: Now you were talking about Sinclair

15 there, weren't you, sir?

16 MS. SCHMELTZER: Objection, Your Honor. The

17 question --

18 MR. GREENEBAUM: This is cross-examination, Your

19 Honor.

20 JUDGE SIPPEL: I'm going to --

21 MS. SCHMELTZER: Objection, Your Honor. The, the --

22 I don't see any mention of Sinclair in that discussion.

23 JUDGE SIPPEL: I'm going to permit the question to

24 be asked.

25 MR. GREENEBAUM: Thank you.

1 JUDGE SIPPEL: Overruled. Go ahead, Mr. Smith.

2 WITNESS: Well, I could have been referring -- I, I
3 don't remember specifically at the time what I was referring
4 to. It could have been my practice. Could have been
5 referring to other things that I do outside my practice and
6 outside of television.

7 BY MR. GREENEBAUM:

8 Q Do you have a lot of titles at your practice?

9 A I'm an independent contractor. Other than doctor.

10 Q Mr. Smith, are you employed by anyone at the -- is
11 Sinclair a corporation?

12 A Yes.

13 Q Do you have a board of directors?

14 A Yes.

15 Q Do you have shareholders?

16 A Yes.

17 Q Do you have annual meetings?

18 A Yes.

19 Q Do you have employees, Sinclair?

20 A Well, let me go back on that issue. I told you in
21 my deposition before that we didn't have any employees. And I
22 didn't think we had any employees. But turns out that you
23 corrected me, and I went back and checked and you're right.
24 We do have employees. So I don't want to appear to be giving
25 a lot of contradictory information here. But you were

1 correct. I was wrong.

2 Q Has your situation at Sinclair changed in any
3 respect since July 1, 1991?

4 A And once again, I gave you that -- if I recall, you
5 asked me that very same question before. And my answer was
6 I'm spending less time on a day-to-day basis there. I'm not
7 there 5 days a week necessarily.

8 Q Have your duties and responsibilities changed since
9 you went to work there?

10 A No. There were never any -- once again, there were
11 never -- if you define there -- are we defining there as SPG,
12 BSF, PGH, IIB, PPA --

13 Q Sinclair.

14 A Sinclair. There were never any specific duties
15 other than director and officer.

16 Q So you never really had any job duties at Sinclair
17 ever since you've been there.

18 A Well, nobody ever sat down and said you have to come
19 in at 9 a.m. and do this, this and this. I do whatever is
20 necessary to get the job done.

21 Q Did you have any assigned duties at anytime since
22 you went to work or became associated with Sinclair in any
23 respect in 1991?

24 A Do you mean did anyone specifically tell me go do
25 this, or did I take my own initiative and go do it on my own?

1 Q Well, what is your present -- what was your job
2 title in 1991 when you went to work?

3 A Recollection is officer-director.

4 Q And what officer were you?

5 A The vice president.

6 Q And as vice president, did you have any duties at
7 that time?

8 A Well, once again, my answer to the question is is
9 that there is no -- no one said to me hey, Fred Smith, go do
10 this. Fred Smith did what he thought was appropriate to do.
11 So that's not the standard kind of relationship.

12 Q Now when you testified in your direct case on
13 November 16, 1993 before Judge Sippel, and I cross-examined
14 you, you had no problem with the concept that you were
15 employed by Sinclair Broadcast Group, Inc. at that time, did
16 you, sir?

17 MS. SCHMELTZER: Objection. The witness hasn't been
18 shown this --

19 MR. GREENEBAUM: I don't have to show the witness
20 anything, Your Honor.

21 JUDGE SIPPEL: Well, the witness -- yeah. Well,
22 let's see what the witness, how the witness answers the
23 question and then determine whether or not it's got to be
24 shown to him.

25 WITNESS: I think the issue here, Judge, is, is that

1 | counsel, Mr. Greenebaum, keeps wanting me to say that I'm an
2 | employee of Sinclair Broadcast Group. And in the sense that
3 | we get a W-2, get health insurance, that's a traditional
4 | relationship. But the reality of it is I'm not really an
5 | employee in the sense that I don't have anyone telling me what
6 | to do. I go and come as I please. I have no specific job
7 | description. I'm specifically an officer and a director.

8 | And it's -- thinking about this it's sort of like
9 | the, the sea with fish in it. If you look at fish and sharks,
10 | and you ask the average person is that -- are they fish?
11 | Yeah, they're all fish. But the reality is a shark is not a
12 | fish. A shark is an elasmobranch. It's not related to the
13 | fish. It's not like a fish. From biology standpoint. But if
14 | the outside person is looking, that's a fish. That's not a
15 | fish.

16 | So from an outside standpoint, the average person
17 | looking at me, they might say hey, that guy is an employee
18 | because he has a W-2, he has retirement, and he has health
19 | insurance. But the reality of it is it's not a typical
20 | relationship. That's the point I'm trying to bring out. And
21 | I think it's what Dr. -- Mr. Greenebaum was driving at all
22 | along in my deposition. And I'm trying to cut through all
23 | that and make that statement initially.

24 | JUDGE SIPPEL: Well, I appreciate how you're trying
25 | to assist us on this, Dr. Smith. But the way the rules apply

1 here is Mr. Greenebaum conducts his cross-examination. He
2 asks you a question, and you answer the question unless
3 there's an objection from your counsel, and I sustain the
4 objection. Right now he has a question to you. Do you recall
5 your testimony back in '93? And you're being asked do you
6 recall that. The substance of what he has quoted to you, do
7 you recall it?

8 WITNESS: And the question, Mr. Greenebaum, was?

9 MR. GREENEBAUM: Let me refer you to page 1371 of
10 your direct testimony day, November 16, 1993.

11 WITNESS: What, what page is that on please?

12 MS. SCHMELTZER: The question -- I don't believe
13 1371 is direct testimony.

14 MR. GREENEBAUM: I'm sorry. It's cross.

15 JUDGE SIPPEL: It's cross-examination. Do you have
16 a copy? Can, can --

17 MR. GREENEBAUM: Yes, we'll give him a copy.

18 JUDGE SIPPEL: -- you put a copy before Dr. Smith?

19 MR. GREENEBAUM: That's what I'm going to do to just
20 be quicker.

21 WITNESS: Thank you. Page 1371?

22 MR. GREENEBAUM: Yes, sir.

23 JUDGE SIPPEL: This is where Mr. Greenebaum was
24 cross-examining you back in 1993.

25 WITNESS: Proceed, Mr. Greenebaum. 1371.

1 BY MR. GREENEBAUM:

2 Q Look at line 9 through 17, and read those to
3 yourself on page 1371.

4 A I've looked at it.

5 Q And does that refresh your recollection that you
6 testified when I asked you these questions and you gave me the
7 answers that you were employed by Sinclair Broadcast Group?

8 A Yeah, I think you asked me this once again in my
9 deposition, most recent deposition. And what I told you it's
10 a semantics issue in my mind.

11 Q And you --

12 A I'm not denying that I didn't say that. I did say
13 that. But it's a semantics issue in your interpretation of my
14 answer.

15 Q Now sir, let me hand you Exhibit 46 which is the
16 exhibit to the application filed on behalf of you and your
17 brothers' project.

18 A What page is this on please?

19 Q Exhibit 46. It's on FCC Form 301, Exhibit No. 6,
20 page 3.

21 A Six, page three.

22 Q It says "Frederick G. Smith" in the middle of the
23 page.

24 A All right.

25 Q Now --

1 A Right. This is the same thing we, I just talked
2 about in my most recent deposition. You asked me the same
3 question.

4 Q There's no question pending, Mr. Smith -- Dr. Smith
5 other than I request that you read that language. Have you
6 read it?

7 A Yes.

8 JUDGE SIPPEL: I, I should explain to Dr. Smith,
9 the, the fact that your deposition was taken, that was taken
10 only for purposes of preparing for the testimony today.
11 Unless your deposition testimony is read into this record,
12 your deposition testimony doesn't --

13 WITNESS: Exist.

14 JUDGE SIPPEL: -- doesn't count. That's correct.

15 WITNESS: Okay.

16 JUDGE SIPPEL: I'm hearing it today for the first
17 time.

18 WITNESS: Okay.

19 JUDGE SIPPEL: Mr. Greenebaum.

20 BY MR. GREENEBAUM:

21 Q Are, are you now suggesting that the statement that
22 he became a full-time employee of Sinclair Broadcast Group,
23 Inc. on July 1, 1991 is not correct?

24 A As I said, Mr. Greenebaum, it's a matter of
25 semantics. I'm not saying that's incorrect. I'm just -- it's

1 not complete.

2 Q Is there anything equivocal about that statement as
3 you read it, would call --

4 A Only what I, only what I previously said.

5 Q But as you read that statement --

6 A But that's a medical issue.

7 Q -- is there any doubt in your mind that someone
8 reading that would take it to mean that you considered
9 yourself a full-time employee of Sinclair Broadcast Group,
10 Inc. on July 1 --

11 JUDGE SIPPEL: Hold it. Is --

12 MS. SCHMELTZER: Objection. Because this witness --

13 JUDGE SIPPEL: Sustained.

14 MS. SCHMELTZER: -- did not --

15 JUDGE SIPPEL: Sustained.

16 MR. GREENEBAUM: Do you see anything in that
17 sentence that you think would cause someone to believe that
18 you were not a full-time employee as of July 1, 1991?

19 JUDGE SIPPEL: Same basis. I'm not going to require
20 him to answer that question.

21 MR. GREENEBAUM: Is the next sentence correct that
22 prior to July 1, 1991 and for the year preceding that date you
23 worked approximately 25 to 30 hours per week?

24 WITNESS: Let me go back to the statement I put it
25 then. Yeah, I made that statement.